

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

MAXLY PARKER, ADC # 136252, and  
STACY PASCHALL JAGERS

PLAINTIFF

v.

4:14CV00424-JM

ADAM BARNES, *et al.*

DEFENDANTS

**ORDER**

The Court has also reviewed the Partial Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Partial Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects. The Court has also reviewed the Proposed Findings and Recommended Disposition submitted by Judge Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff Jaggers's Motion to Dismiss Party (Doc. No. 6) is GRANTED;
2. Plaintiff's cause of action be DISMISSED without prejudice for failure to state a claim upon which relief may be granted;
3. Dismissal of this action count as a "strike" for purposes of 28 U.S.C. § 1915(g)<sup>1</sup>;
4. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis*

appeal from this Order would not be taken in good faith.

---

<sup>1</sup>Title 28 U.S.C. § 1915(g) provides that: "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted . . . ."

DATED this 8th day of October, 2014.



---

JAMES M. MOODY JR.  
UNITED STATES DISTRICT JUDGE